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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/905,298
Filing Date: July 12, 2001
Appellant(s): WEBB, MARK STEPHEN

Jason S. Feldmar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 27, 2007 appealing from the Office action mailed November 27, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,512,529	JANSSEN et al.	1-2003
6,853,390	WANDERSLEBEN et al.	2-2005

Microsoft Word 2000, (c)1999, screenshots 1-3

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-6, 9, 11, 13-16, 19, 21, 23-26, and 29

Claims 1, 3-6, 9, 11, 13-16, 19, 21, 23-26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,512,529, which is attributed to Janssen et al. (and hereafter referred to as “Janssen”). In general, Janssen provides a method for viewing a high volume of information within a computer display screen. This method entails viewing information organized within a plurality of windows, with windows overlapping other windows, whereby the user may designate particular windows to be invisible, in order to view information within overlapped windows (see column 2, line 29 – column 2, line 31). It is understood that the types of such windows are arbitrary, and may therefore comprise dialog windows, a common and well-known window type.

Specifically regarding claims 1, 11, and 21, Janssen teaches: displaying a window of a currently active application on a display device; determining a location of a cursor with respect

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to the window; making the window, or portions thereof, invisible in response to moving the cursor from within the window to outside of the window without depressing a button of the window; and displaying the complete window again in response to moving the cursor from outside of the invisible window to within the extent of the invisible window without depressing a button of the window (for example, see column 2, line 33 – column 3, line 20; column 4, line 56 – column 5, line 9). Janssen further teaches that, instead of making the entire window invisible, only a title bar of the window may be displayed (for example, see column 2, line 59 – column 3, line 4). Such a displayed window, only comprising a title bar, is considered a collapsed version of the window like claimed. Moreover, as Janssen discloses that the complete window is displayed in response to moving the cursor from outside of the invisible window to anywhere within the invisible window (e.g. its title bar) – and that no further movement or positioning of the cursor is required – Janssen further teaches displaying the complete window in response to the cursor moving *only* from outside of the collapsed version of the window to within the title bar of the collapsed version of the window without pressing a button of the window. As asserted above, it is understood that such teachings may apply to dialog windows, a well-known type of window in the art. Accordingly, Janssen teaches a computer-implemented method for collapsing a dialog window of an application, the method comprising: displaying a complete dialog window of a currently active application on a display device; determining a location of a cursor with respect to the dialog window; displaying a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the display of the collapsed version of the dialog window consumes a smaller area of the display device than the complete

dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window; and displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window, like recited in claim 1. Janssen further discloses that such teachings may be implemented as software, presumably stored in computer memory and executed by a computer (see column 4, lines 5-40). Such computer memory comprising software to implement the teachings of Janssen is considered an “article of manufacture,” like described in claim 11. A computer executing the software in order to implement the teachings of Janssen is considered a system like that described in claim 21.

Concerning claims 3, 5, 13, 15, 23, and 25, Janssen teaches that the collapsed version of the may comprise only a title bar of the window (for example, see column 2, line 59 – column 3, line 4). As shown in figure 3 of Janssen, for example, such a title bar may comprise a size that exactly encompasses a title of the dialog window and its system buttons (see the title bar, designated by reference number 11 in figure 3). It is understood that the title bar is displayed in the same position when the window is collapsed (for example, see figures 2-4, and their associated description in column 4, line 43 – column 5, line 9). Accordingly, Janssen teaches that the collapsed version of the window is displayed such that system buttons, within the title bar of the window, are in the same position in the collapsed version of the window as when the complete window is displayed, wherein the system buttons do not move away from the cursor when the window collapsed or expands.

With respect to claims 4, 6, 14, 16, 24, and 26, Janssen discloses that the user may make a window invisible, i.e. collapsed, simply by moving a cursor off the window, and may make the window visible again simply by moving the cursor over the collapsed version of the window (for example, see column 2, line 59 – column 3, line 20; column 4, line 56 – column 5, line 9).

Accordingly, it is understood that the collapsed version of the window is displayed in response to the cursor moving outside of the window without additional action by the user, and the complete window is displayed when the cursor moves within the collapsed version of the window without additional action by the user.

Regarding claims 9, 19, and 29, Janssen discloses that the title bar of each window may comprise a button which may be activated to select a particular display mode for the window. In one such display mode, referred to as the “Normal” display mode, the associated window behaves as described above: the window collapses when the cursor is moved off the window, and becomes visible when the cursor moves over the collapsed version of the window (see column 3 lines 5-29; and column 5, lines 9-48). In another display mode, referred to as the “Locked” display mode, the associated window always remains visible, as a complete window (see column 3 lines 5-29; and column 5, lines 9-48). Accordingly, Janssen teaches that the ability to display a collapsed version of a window is controlled by a selectable system icon displayed in a title bar of that window: when the selectable system icon is selected as active, i.e. in a Normal display mode, the ability to display a collapsed version of the window through further cursor movement without depressing a button of the window is active; and when the selectable system icon is not selected and is inactive, i.e. in a Locked display mode, the complete window is displayed and the

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ability to collapse the dialog window through further cursor movement without depressing a button of the window is disabled.

Claims 8, 10, 18, 20, 28, and 30

Claims 8, 10, 18, 20, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over The U.S. Patent of Janssen, which is described above, and also over U.S. Patent No. 6,583,390, which is attributed to Wandersleben et al. (and hereafter referred to as “Wandersleben”). As described above, Janssen teaches a method like that of claim 1, an article of manufacture like that of claim 11, and a system like that of claim 21, whereby the user may collapse a dialog window simply by moving a cursor off of the window. Janssen, however, does not explicitly disclose that the collapsed version of the dialog window is displayed when the cursor moves outside of the dialog window for a defined minimum time period, defined by an application that displays the dialog window, as is expressed in claims 8, 18, and 28. Also, Janssen also does not explicitly disclose that the dialog window is a modeless dialog window, as is recited in claims 10, 20, and 30.

Like Janssen, Wandersleben presents a method similar to that of claim 1, whereby a user may collapse a dialog window simply by moving a cursor off of the window (for example, see column 2, lines 20-49). Regarding the claimed invention, Wandersleben discloses that the user may specify a grace period defining the amount of time required for the cursor to be off of the window, before the window collapses (for example, see column 5, lines 33-51; and column 6, lines 30-57). Additionally, Wandersleben discloses that such teachings may be applied to non-model, i.e. modeless dialog windows (for example, see column 2, lines 20-49).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Janssen and Wandersleben before him at the time the invention was made, to modify the method of Janssen such that the user may define a grace period, like taught by Wandersleben, as this would prevent the user from inadvertently collapsing dialog boxes, as is demonstrated by Wandersleben. Additionally, it would have been obvious to apply the method of Janssen to modeless dialog boxes, like taught by Wandersleben, because there exists a need to temporarily hide such modeless dialog boxes, as is taught by Wandersleben.

Claims 7, 17, and 27

Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Janssen and Wandersleben, which is described above, and also over the Microsoft Word 2000 application, presented in a previous Office Action. As described above, Janssen teaches a method like that of claim 1, an article of manufacture like that of claim 11, and a system like that of claim 21, whereby the user may collapse a dialog window by simply moving a cursor off of the window. Wandersleben teaches that such methods may be implemented with non-modal dialog boxes, to hide the dialog boxes from view, in order to *work* within a window displayed under the dialog box (for example, see column 2, lines 9-33; and column 4, lines 22-50). Neither Janssen nor Wandersleben, however, explicitly discloses that the focus is reverted to the underlying window without additional action by the user when the collapsed version of the dialog window is displayed, as is recited in claims 7, 17, and 27.

Nevertheless such functionality is well known in the art. For example, screenshot 2 of Word shows a dialog box open in Word, and screenshot 3 is the result of minimizing the dialog

box of screenshot 2. No further action was taken, and it is clear that the displayed window, Document 1, of Word has focus as evidenced by the depressed representation in the taskbar and that the collapsed version of the dialog window is displayed (the rightmost application displayed in the taskbar is screenshot 3).

Therefore, it would have been obvious to one of ordinary skill in the art to automatically revert focus to another window of the currently active application of Janssen when the collapsed version of the dialog window is displayed, as is taught by Word, in order to eliminate the need to click on the window to restore focus.

(10) Response to Argument

Claims 1, 11, and 21

The Appellant's arguments generally concern the scope of claims 1, 11, and 21. The Appellant submits that it is not within the scope of the claimed invention for the collapsed version of the dialog window to comprise other displayed features in addition to the title bar (Appeal Brief, page 6). The Appellant argues that, to display the complete dialog window, these claims require that the cursor must move from only outside of the collapsed version to within the title bar of the collapsed version (Appeal Brief, e.g. pages 4 and 9). The Appellant further argues that Janssen (U.S. Patent No. 6,512,529 to Janssen et al.) teaches that if the cursor is moved anywhere within the extent of the window, the complete window is displayed, but that such movement does not fall within the claim scope (Appeal Brief, e.g. pages 4 and 9). The Examiner, however, respectfully disagrees with these arguments.

First, the Examiner respectfully notes that it *is* within the scope of the present invention for the collapsed version of the dialog window to comprise other displayed features in addition to the title bar. For example, claim 1 recites,

displaying a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window (emphasis added).

The terminology, *comprises*, is inclusive and thus entails that other elements may be included within the collapsed version of the dialog window. Regardless, Janssen demonstrates a collapsed version of a dialog window that comprises only a title bar of the dialog window.

Janssen teaches hiding various portions of a window in response to moving a cursor off of the window (see e.g. column 2, line 33 – column 3, line 4). For example, Janssen specifically discloses that only the title bar of the window may remain displayed (see e.g. column 2, line 59 – column 3, line 4). Janssen thus clearly teaches displaying a title bar of a dialog window when the cursor moves outside of the complete dialog window without depressing a button of the dialog window. This displayed portion, comprising only the title bar, which is displayed after a cursor moves off of the window, can be considered a collapsed version of the window.

Second, the Examiner respectfully notes that claims do *not* require that the cursor must move into the title bar of the collapsed version of the dialog window to display the complete dialog window. Claim 1, for instance, recites,

displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar

of the collapsed version of the dialog window without depressing a button of the dialog window.

The “only” terminology entails that, other than movement from outside the collapsed version to within the title bar, no further movement of the cursor is required to display the collapsed version of the dialog window; such cursor movement is a sufficient (but not necessary) condition for displaying the complete version of the dialog window. In this phrase, the “only” term refers to the “moving” of the cursor, but not to the “in response” terminology. That is, while the complete dialog window is displayed in response to the cursor moving only from outside of the collapsed version to within its title bar, this does not mean that the complete dialog window is displayed only in response to such cursor movement. It is within the scope of the claims for the complete dialog window to also be displayed in response to other influences.

The placement of “only” within the phrase is significant to the scope and meaning of the claims. For example, a recitation of “displaying the complete dialog window only in response to the cursor moving from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window” requires the cursor to be moved into the title bar in order for the complete version of the window to be displayed. However, “displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window” – as is currently recited – entails displaying the complete dialog window in response to moving the cursor into the title bar of the collapsed version of the dialog window, without any further movement, but does not require that such cursor movement be the only way to bring about the collapsed version of the window. That is, in addition to movement only from outside

the collapsed version to within its title bar, it is within the scope of the claim for other cursor movements to bring about the dialog window.

Janssen teaches displaying a complete window in response to moving the cursor from outside of a collapsed (e.g. invisible) version of the window to anywhere within the extent of the collapsed version (for example, see column 2, line 33 – column 3, line 20; and column 4, line 56 – column 5, line 9). Janssen further demonstrates that such a collapsed version can comprise a displayed title bar (for example, see column 2, line 59 – column 3, line 4). Accordingly, it is apparent that the complete window can be displayed in response to moving the cursor only from outside the collapsed version to within the title bar of the collapsed version. It is apparent that the complete window of Janssen can be displayed in response to other cursor movement (e.g. moving the cursor only from outside of the invisible version to another area within the extent of the window). However, since as described above it is within the scope of the claims for other inputs – in addition to cursor movement only from outside the collapsed version to within its title bar – to bring about the complete window, the Examiner respectfully maintains that Janssen reads on the claimed invention.

Claims 5, 15, and 25

Regarding claims 5, 15, and 25, the Appellant argues that Janssen fails to teach that the collapsed version of the dialog window is displayed such that the system buttons, within the dialog window, are in a same position in the collapsed version as when the complete dialog window is displayed. The Appellant particularly refers to FIGS. 2-4 of Janssen, which according to the Appellant, show that the collapsed version of the Janssen's dialog windows are not in the

same location as the complete version. The Examiner, however, respectfully disagrees with the Appellant's arguments.

As an initial matter, the Examiner respectfully notes that it is well recognized that, when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurements of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int 'l*, 222 F.3d 951, 956, 55USPQ2d 1487, 1491 (Fed. Cir. 2000); MPEP §2125. Since Janssen does not disclose that the drawings are to scale, the drawings are of little value in determining the relative positions of the dialog window before and after the collapsing operation.

Moreover, Janssen does not explicitly disclose anywhere that the dialog windows are moved in response to the collapsing operation. On the contrary, Janssen suggests that title bars of the dialog windows should not be moved when collapsed, in order to give the user visible cues as to where the windows will be when opaque (see e.g. column 4, lines 56-63). Moving its title bar when collapsing the window would clearly be contrary to this goal.

Accordingly, the Examiner respectfully maintains that Janssen teaches that the collapsed version of the dialog window is displayed such that the system buttons, within the dialog window (i.e. within its title bar), are in a same position in the collapsed version as when the complete dialog window is displayed.

Claims 6, 16, and 26

Regarding claims 6, 16, and 26, the Appellant argues that these claims must necessarily impart meaning beyond that which is disclosed from the independent claims. The Appellant

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submits that these claims would have no additional meaning and would be redundant if one were to accept the Examiner's assertions with respect to the independent claims, i.e. that the "only" language of independent claims 1, 11, and 21, indicates that no further cursor movement is necessary, other than from outside the collapsed version of the dialog window to within its title bar, in order to display the complete dialog window. The Examiner respectfully disagrees with this argument.

Claims 6, 16, and 26 still impart additional meaning beyond that disclosed by the independent claims, as interpreted by the Examiner. The independent claims recite that the complete dialog window is displayed in response to moving the cursor only from outside the collapsed version to within the title bar of the collapsed version without depressing a button of the dialog window. But, as described above, the independent claims are not limited such that this is the *only* cursor movement which brings about the complete dialog window. Other cursor movement, e.g. moving the cursor within the collapsed version of the dialog window without additional action by a user – as expressed in claims 6, 16, and 26 – can bring about the dialog window. Claims 6, 16, and 26 thereby impart additional meaning beyond that disclosed by the independent claims.

As another example, the independent claims recite that the complete dialog window is displayed in response to moving the cursor only from outside the collapsed version to within the title bar of the collapsed version without depressing a button of the dialog window. But, the independent claims do not limit this as the only actions within this sequence performed by the user, e.g. it is within the scope of the independent claims to display the complete dialog window in response to moving the cursor only from outside the collapsed version to within the title bar of

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the collapsed version, and click a mouse button, without depressing a button of the dialog window. Claims 6, 16, and 26, however, require that the complete dialog window is displayed when the cursor moves within the collapsed version of the dialog window without additional action by a user. Accordingly, claims 6, 16, and 26, limit the sequence of actions to moving the cursor from outside the collapsed version of the dialog window to within the complete dialog window without additional action (e.g. without clicking the mouse button). Claims 6, 16, and 26 thereby impart additional meaning beyond that disclosed by the independent claims.

Claims 7, 17, and 27

Regarding dependent claims 7, 17, and 27, the Appellant argues that Janssen teaches away from changing the focus to another window, as is claimed, since Janssen does not describe windows which require user input, and since positioning a cursor in a portion of such a window covered by a collapsed (i.e. invisible) window would cause the collapsed window to reappear, and thus prohibit input into the covered window. The Examiner, however, respectfully disagrees with this argument.

The Examiner again respectfully asserts that the radar implementation described by Janssen is merely an example, and it is understood that the teachings of Janssen may be implemented in a plurality of environments, including those where background or other windows require user interaction. Such applications are notoriously well known in the art. As an example, the U.S. Patent of Wandersleben (U.S. Patent No. 6,583,390 to Wandersleben et al.), which is also applied in the rejection for claims 7, 17, and 27, demonstrates an environment where dialog windows are displayed on top of an underlying window, but whereby a user is

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required to revert focus to the underlying window in order to continue working in the underlying window (see e.g. column 2, lines 9-42). That is, implementing the collapsible windows of Janssen within an application like that of Wandersleben, which requires input in windows covered by dialog boxes, is directly applicable to Microsoft Word's teaching of automatically reverting focus to an underlying window.

Also, in response to the Appellant's arguments that positioning a cursor in a portion of a window covered by a collapsed (i.e. invisible) window would cause the collapsed window to reappear, the Examiner respectfully submits that the user often times would not need to position the cursor in the window. That is, there are other methods in which a user could work in such a window (e.g. keyboard input) which would not result in the collapsed window reappearing and covering the user's work.

Further regarding claims 7, 17, and 27, the Appellant argues that there would be no motivation to combine Janssen and Wandersleben with Word (Microsoft Word 2000). The Examiner, however, respectfully disagrees. Word clearly demonstrates the advantages of automatically reverting focus to a background window when a window covering the background window is collapsed: the user is more efficiently able to input information into the background window, since he or she does not need to select the background window to bring it into focus and allow to user to enter information into the window (e.g. text via keyboard input). Such a teaching is directly applicable to Janssen and Wandersleben. Accordingly, the Examiner respectfully maintains that Janssen, Wandersleben, and Word teach reverting focus to and working in another window without additional action by a user when the collapsed version of the dialog window is displayed, as is claimed.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

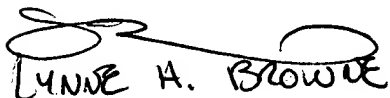
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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June 22, 2007

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